

**MEMORANDUM**

TO: County Council

FROM: Kathleen Boucher, Senior Legislative Attorney  
Amanda Mihill, Legislative Analyst *CKM*

SUBJECT: **Introduction:** Bill 34-07, Planning Procedures – Greenhouse Gas Emissions

Bill 34-07, Planning Procedures – Greenhouse Gas Emissions, sponsored by Councilmembers Berliner, Ervin, Council President Praisner, Councilmembers Andrews, Elrich and Floreen, is scheduled to be introduced on November 20, 2007. A public hearing is tentatively scheduled for January 17, 2008 at 7:30 p.m.

The bill requires the Montgomery County Planning Board, when preparing the General Plan or any master plan, sector plan, or functional plan, to assess the plan's potential impact on greenhouse gas emissions in the County and consider options that would minimize those emissions.

This packet contains:

Bill 34-07  
Legislative Request Report

Circle #

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4

Bill No. 34-07  
Concerning: Planning Procedures -  
Greenhouse Gas Emissions  
Revised: 11/16/07 Draft No. 7  
Introduced: November 20, 2007  
Expires: May 20, 2009  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Berliner, Council President Praisner, and Councilmembers Andrews, Elrich,  
and Floreen

### AN ACT to:

- (1) require the Montgomery County Planning Board, when preparing certain plans, to assess a plan's potential impact on greenhouse gas emissions in the County and consider options that would minimize those emissions; and
- (2) generally amend the law relating to planning procedures.

### By amending

Montgomery County Code  
Chapter 33A, Planning Procedures  
Section 33A-2

### By adding

Montgomery County Code  
Chapter 33A, Planning Procedures  
Section 33A-4A

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

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Sec. 1. Section 33A-2 is amended and Section 33A-4A is added as follows:

**33A-2. Definitions.**

[For the purpose of this chapter] In this Chapter, the following words [and phrases shall] have the meanings [respectively ascribed to them by this section] indicated:

"Article 66B" means Article 66B of the Maryland Code.

[(a) Commission: The] "Commission" means the Maryland-National Capital Park and Planning Commission.

[(b) District council: The county council for Montgomery County] "District Council" means the County Council sitting as the [district council] District Council for that portion of the Maryland-Washington Regional District [within] in Montgomery County.

"Greenhouse gas" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or substance the Director of the Department of Environmental Protection finds to be a significant contributor to global warming.

[(c) Plan.] "Plan" means the General [plan] Plan, an area master plan, a sector plan, [master plan] the Master Plan of [highways] Highways, a functional plan, and any amendments [thereto] to those plans, as [further set forth] described in the Regional District Act.

"Planning Board" means the Montgomery County Planning Board.

[(d) Regional district act:] "Regional District Act" means Chapter 780 of the [1959] Laws of Maryland for 1959, as amended and codified in Article 28 of the Maryland Code.

\* \* \*

**33A-4A. Preparation of the Plan.**

27       In addition to the factors and conditions outlined in §7-101 of the Regional  
28       District Act and §1.01 and §1.03 of Article 66B, in preparing the Plan, the Planning  
29       Board must:

30 (a) Assess the Plan's potential impact on greenhouse gas emissions in the  
31 County; and

32 (b) Consider options that would minimize those emissions.

33 *Approved:*

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36	Marilyn J. Praisner, President, County Council	Date
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37 *Approved:*

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Isaih Leggett, County Executive Date

39 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 34-07

### *Planning Procedures – Master Plans – Greenhouse Gas Emissions*

<b>DESCRIPTION:</b>	Requires the County Planning Board, when preparing certain plans, to assess a plan's potential impact on greenhouse gas emissions in the County and consider options that would minimize those emissions.
<b>PROBLEM:</b>	Land use decisions have a direct and long-lasting impact on the consumption of energy and greenhouse gas emissions, but the Planning Board is not required to consider this when developing certain plans.
<b>GOALS AND OBJECTIVES:</b>	To explicitly require the Planning Board to identify ways to minimize greenhouse gas emissions when developing certain plans.
<b>COORDINATION:</b>	Montgomery County Planning Board.
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Kathleen Boucher, Senior Legislative Attorney (240) 777-7940 Amanda Mihill, Legislative Analyst (240) 777-7815
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	To be researched.
<b>PENALTIES:</b>	N/A.

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4